

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARK YOUNGERS, et al,)	No. 15-cv-8262-WHP <u>CLASS ACTION</u> STIPULATION OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)(A)(ii)
)	
Plaintiffs,)	
)	
-against-)	
)	
VIRTUS INVESTMENT PARTNERS, INC., et al)	
)	
Defendants.)	
)	

WHEREAS the operative complaint in this action (the “Complaint”) is the Second Amended Class Action Complaint for Violation of the Federal Securities Laws, filed on January 4, 2016, (Docket No. 63) and alleged violations of Section 10(b) and 20(a) of the Securities Exchange Act of 1934, Sections 11, 12(a)(2) and 15 of the Securities Act of 1933, and derivative claims for breach of fiduciary duty and aiding and abetting such breach;

AND WHEREAS on July 31, 2016, the Court issued an order dismissing all claims except those predicated on violations of Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 (Docket No. 109);

IT IS HEREBY STIPULATED AND AGREED by and between the parties and/or their respective counsel that the remaining counts in the above-captioned action, for violations of Sections 10(b) and 20(a) of the Securities Exchange Act of 1934, are voluntarily dismissed with prejudice against all defendants pursuant to the Federal Rules of Civil Procedure 41(a)(1)(A)(ii), with each side to bear their own costs.

IT IS FURTHER STIPULATED AND AGREED that Plaintiffs will have no right to appeal any order or judgment in the above-captioned proceeding, and Plaintiffs hereby waive any such right to appeal they might otherwise have.

IT IS FURTHER STIPULATED AND AGREED that all parties complied with Rule 11 of the Federal Rules of Civil Procedure at all times.

Dated: December 22, 2017

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Dated: December 22, 2017

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